

**MINUTES OF THE CITY COMMISSION MEETING
JANUARY 13, 2003**

The City of Leesburg Commission held a regular meeting Monday, January 13, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:32 p.m. with the following members present:

Commissioner David Knowles
Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner Lewis Puckett
Mayor David Connelly

Also present were City Manager (CM) Ron Stock, City Clerk/Finance Director (CC/FD) Tom Klinker, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Betty Richardson, the news media, and others.

Reverend Tyler, Associate Minister of New Bethel Church, Orlando, gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD
DECEMBER 23, 2002 AND THE SPECIAL MEETING HELD JANUARY 6, 2003**

Commissioner Puckett moved to approve the City Commission minutes of the regular meeting held December 23, 2002, and the special meeting held January 6, 2003. Commissioner Lovell seconded the motion and it carried unanimously.

PRESENTED SERVICE AWARDS

Police Captain Rockefeller presented a service award to Mitch Anderson for ten years in the Police Department.

Environmental Services Director Littell presented a service award to Evans Hester for ten years in the Water Department.

Fire Chief Sargent accepted the service award for Denys Neff, Fire Department, for ten years with the City of Leesburg.

Public Works Director Richards presented a service award to Greg Veilleux for ten years in Public Works.

MAYOR'S PERSONAL PRESENTATION

Jim Connelly, brother of Mayor David Connelly, presented a plaque to Commissioner Lovell in recognition of his attendance at and kind words for Mayor Connelly's father's ninetieth birthday celebration, August 17, 2002. Mayor Connelly's mother, wife, several siblings, and other family members attended the presentation.

CONSENT AGENDA:

Pulled from Agenda – A3 – Training room furniture

Pulled for discussion - A8- T-Hangars bid; B2 – T-Hangars contract; B6 – Strategic Planning Group contract; and B8- Christoff, Krietemeyer contract

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Commissioner Perry moved to adopt the Consent Agenda items except A3, A8, B2, B6, and B8 and Commissioner Puckett seconded the motion. The roll call vote was:

| | |
|----------------------|-----|
| Commissioner Lovell | Yea |
| Commissioner Perry | Yea |
| Commissioner Puckett | Yea |
| Commissioner Knowles | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission adopted the Consent Agenda, as follows:

PURCHASING ITEMS:

| | | |
|----|--------------------------------|---|
| 1. | 02-FB-75 | Rehabilitation of Lift Station #9 for Wastewater Dept. awarded to J&H Waterstop, Inc. for \$91,221.00 |
| 2. | 02-FB-99 | Safety equipment and foul weather gear – Warehouse restock awarded to Airgas South for \$1,875.86; Fisher Safety for \$2,795.32; Graybar Electric for \$4,209.05; Martronics, Inc. for \$620.64; Safety Zone for \$3,745.24; and Safety Products for \$14,210.36 for a total of \$27,456.47 |
| 3. | 03-FB-13 | PULLED FROM AGENDA - Training Room computer furniture at the Electric Dept. for all departments (\$6,002.10) |
| 4. | 03-FB-18 | Spring Athletic equipment for Recreation Dept. awarded to J.P. Sports, Inc. for \$3,090.58; Good Sports for \$6,190.06; Pyramid School Products for \$1,027.59; DVF Sporting Goods for \$1,140.16; and Sports Supply Group for \$1,909.28 for a total of \$13,357.67 |
| 5. | 03-FB-19 | Baseball and Softball uniforms for Recreation Dept awarded to DVF Sporting Goods for \$1,894.56; Sports Authority for \$2,301.00; and Sport Supply Group for 1,617.84 for a total of \$5,813.40 |
| 6. | 03-FB-23 | Fire Hose 5” diameter for Fire Dept. awarded to Biscayne Havana Fire & Safety for \$10,560.00 |
| 7. | State Contract 760-001-03-1 | Forklifts for the Electric Dept. and the Warehouse awarded to Briggs Equipment for \$43,273.00 and National Lift Truck for \$21,929.60 for a total of \$65,202.60 |
| | | |

RESOLUTIONS:

RESOLUTION 6695

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Shore Acres Estates, Inc., for the purpose of contracting to purchase certain real property adjacent to the Canal Street Wastewater Treatment Plant; and providing an effective date.

RESOLUTION 6696

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and J & H Waterstop, Inc. for rehabilitation of Lift Station #9 for \$91,221.00, pursuant to Bid #02-FB-75, and providing an effective date.

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RESOLUTION 6697

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk of the City of Leesburg to execute a joint participation agreement with Florida Department of Transportation for funding for design, construction and installation of an airport entrance sign to include lighting and landscaping at Leesburg Regional Airport; providing for an effective date.

RESOLUTION 6698

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Land Design Innovations Incorporated for providing County Road 470 market/land use study, pursuant to RFP #02-RFP-014, and providing an effective date.

RESOLUTION 6699

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Harvard Jolly Clees Toppe Architects, P. A. for architectural and engineering services related to the new library project, pursuant to bid #02-RFQ-100 and providing an effective date.

RESOLUTION 6700

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City of Leesburg to execute an agreement between the City of Leesburg and Erik L. Melear, for providing professional engineering services for the development of an industrial pretreatment program for the City of Leesburg Wastewater Treatment facilities for \$21,150.00, and providing an effective date.

RESOLUTION 6701

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Software Installed, Inc. for the purchase and installation of an automated meter reading system, pursuant to bid #02-RFP-015 and providing an effective date.

RESOLUTION 6702

A resolution of the City Commission of the City of Leesburg, Florida, amending Section 8.17.8 Confined Space Entry Policy of the City of Leesburg Employee Safety & Health Manual; and providing an effective date.

OTHER AGENDA ITEMS:

1. Request to appropriate forfeiture funds for Youth Action Network of Central Florida

BID 03-FB-17 T – HANGARS AT LEESBURG REGIONAL AIRPORT AWARDED TO WAGNER CONSTRUCTION CO., LLC FOR \$497,980.19

Commissioner Puckett said he thought funds were budgeted for the T-hangars. CC/FD Klinker stated when staff prepared the budget this year; the only JPA approved was for \$72,000 for the engineering costs. The JPA for the remainder of the funding is just now available. The City will receive 50%, \$287,500.00 from the State, but staff needs to determine where the City's matching funds will be obtained. Funding of \$256,531.00 can be transferred from the General Fund, but the concern in doing that is it will drive the reserve account in the General Fund fairly low for this time of year.

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Commissioner Perry asked if any other projects can be postponed this year to fund this match. CM Stock advised he met with CC/FD Klinker, Deputy City Manager (DCM) Johnson, and Budget Manager (BM) Reichard to look at other items that can be deferred, but found nothing in the capital budget that can be delayed. Funding is tight not only because of this unfunded project, but other transactions the City has done in the last three months. Staff has already delayed any capital projects that have not been started.

Commissioner Perry asked how this action will affect the reserve policy. CC/FD Klinker advised at the beginning of the year, the City had \$1,284,904.00. If staff transfers the full \$256,531, it will put the City \$32,793.00 over the allowable reserves in the General Fund for this fiscal year.

CC/FD Klinker advised the Commission appropriated \$323,734 at the beginning of this year from the reserve account and without a revenue source to replace it, that same \$323,734 will need to be budgeted for next year. Staff also has to consider the mall shortfall projections of \$230,000. The problem is not necessarily this fiscal year, but the next fiscal year. Staff may need to find as much as \$.5M in other revenue sources to stay within the adopted reserve policy.

CM Stock stated the 20 to 25 T-hangars will be revenue-generating assets that will rent for approximately \$250.00 each per month. The General Fund could loan the funds for the match and the rental income could re-pay the loan plus interest. The projected income is \$60,000.00 per year.

Commissioner Perry moved to approve the bid for the T-hangars and Commissioner Puckett seconded the motion. The roll call vote was:

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|----------------------|--|
| Commissioner Knowles | Yea – with reservations. Requested the City not have any other unfunded expenditures. |
| Commissioner Lovell | Yea |
| Commissioner Perry | Yea |
| Commissioner Puckett | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission approved the bid item.

ADOPTED RESOLUTION 6703 AUTHORIZING AN AGREEMENT WITH WAGNER CONSTRUCTION COMPANY, LLC FOR CONSTRUCTION OF T-HANGARS PURSUANT TO BID 03-FB-17

Commissioner Lovell introduced the resolution to be read by title only. CC/FD Klinker read the resolution, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Wagner Construction Company, LLC. for construction of T-hangars for \$497,980.19, pursuant to bid #03-FB-17, and providing an effective date.

Commissioner Knowles moved to adopt the resolution and Commissioner Puckett seconded the motion. The roll call vote was:

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| | |
|----------------------|-----|
| Commissioner Puckett | Yea |
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Commissioner Perry | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission adopted the resolution.

ADOPTED RESOLUTION 6704 AUTHORIZING AN AGREEMENT WITH STRATEGIC PLANNING GROUP, INC. FOR PROVIDING THE GREATER LEESBURG COMMUNITY REDEVELOPMENT AGENCY PLANNING STUDY, PURSUANT TO 02-RFP-016

Commissioner Lovell introduced the resolution to be read by title only. CC/FD Klinker read the resolution, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Strategic Planning Group, Inc. for providing Greater Leesburg Community redevelopment area (GLCRA) planning study, pursuant to RFP #02-RFP-016, and providing an effective date.

CA Morrison advised of a slight change in the contract. Page 9 – In the Scope of Services, staff added the words “Pine Street” to the area to be covered under the contract.

Commissioner Perry moved to adopt the resolution and Commissioner Puckett seconded the motion. The roll call vote was:

| | |
|----------------------|-----|
| Commissioner Perry | Yea |
| Commissioner Puckett | Yea |
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission adopted the resolution.

ADOPTED RESOLUTION 6705 AUTHORIZING AN AGREEMENT WITH CHRISTOFF, KRIETEMEYER & ASSOCIATES, ARCHITECTS, P.A. FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE SLEEPY HOLLOW RECREATION COMPLEX PROJECT, PURSUANT TO BID 02-RFQ-103

Commissioner Lovell introduced the resolution to be read by title only. CC/FD Klinker read the resolution, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Christoff, Krietemeyer & Associates, Architects, P.A. for architectural and engineering services related to the Sleepy Hollow Recreation Complex Project, pursuant to bid #02-RFQ-103 and providing an effective date.

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Commissioner Perry stated this agreement is for amenities for several buildings at Sleepy Hollow. He said the architectural work is \$44,000.00, which will only leave \$43,377.00 for actual construction. CM Stock advised there will be a contract modification, which will decrease the cost of the bid for the fields. These funds will be used for construction of the amenities.

DCM Johnson advised the Tourist Development Council (TDC) has expressed interest in investing in the Sleepy Hollow complex. Additional services to upgrade the facility are not included in the architect's contract, and if the TDC provides funds, staff will present a change order to the contract for those upgrades.

Commissioner Perry moved to adopt the resolution and Commissioner Knowles seconded the motion. The roll call vote was:

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|----------------------|-----|
| Commissioner Lovell | Yea |
| Commissioner Perry | Yea |
| Commissioner Puckett | Yea |
| Commissioner Knowles | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission adopted the resolution.

PUBLIC HEARINGS:

ADOPTED ORDINANCE 03-01 ANNEXING 9.9 ACRES OWNED BY JACK N. PURDUM REVOCABLE FAMILY TRUST, NORTH OF U.S. HWY 441 AND EAST OF BLUEBERRY HILL APARTMENTS IN SECTION 16-19-25 AND REZONING FROM COUNTY R-1 WITH CUP TO CITY R-3 (QUASI-JUDICIAL)

CC/FD Klinker read the ordinance by title only, as follows:

An ordinance annexing certain property owned by Jack N. Purdum Revocable Family Trust, said property consisting of approximately 9.9 acres and being generally located north of U.S. Highway 441, south of Country Road 44, east of Blueberry Hill Apartments, and west of North Silver Lake Drive, lying in Section 16, Township 19 south, Range 25 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County R-1 (Rural Residential) with CUP, to City R-3 (Moderate Density Residential); and providing for an effective date.

Mayor Connelly requested each person wishing to speak to be timely in their presentations.

Bruce Duncan, attorney representing Rosemary and Jack Purdum, pointed out some of the positive impacts this project will have on the City of Leesburg: \$36,000 per year in ad valorem taxes, approximately \$15,000 per month in utility revenue, and impact fees in excess of

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\$300,000. The economic impact has a huge benefit to the City. Mr. Duncan clarified the identical complex is in Winter Haven, not Winter Garden, and the one call generated at the complex was for a traffic accident.

Mr. Duncan showed the map presented at the last meeting, pointing out this development will be consistent with the surrounding areas with commercial properties developing and the Blueberry Hill apartments. This is not a "finger-like" development that will project out into a rural area.

Mr. Duncan reserved the right to rebut statements made by the opposition.

DCC Richardson swore in members of the audience who wished to speak on the annexation

Steven Lowitz, American Land Equities of Hollywood, Florida, developer of the property, said regarding the concern of the "green nature" of the project, the developer will use xeriscaping, high efficiency appliances, certified wood, hardy board, possibly bamboo flooring and anything of that nature that can be used.

Don Perlow, treasurer of the Silver Lake Association, presented, for the record, a list of the police calls to Blueberry Hill Apartments from May 19, 2002 to end of the year. This list includes vandalism, theft, and disturbances. He also presented, for the record, the absentee owners list for Blueberry Hill Apartments. He is concerned that absentee owners do not have the community spirit of someone living in the area. He said he did not purchase a home where there were apartments in the neighborhood.

Pamela Murray, Silver Lake Association Board of Directors member, said she will follow up, for the record, several issues that arose at the last hearing: 1) a letter of inconsistencies between the City's comprehensive plan and this set of applications submitted at the last meeting. Ms. Murray asked City Attorney Morrison if he felt these applications meet all aspects of the current comprehensive plan. CA Morrison said he could not answer the question because he is not a planner. 2) This parcel is currently part of a larger parent tract within the County zoned for one unit per acre. Were the applicant to seek rezoning from the County, the County comprehensive plan would limit density to four units per acre for a total of not more than forty apartments on the 9.9 acres. She asked if there are currently forty professionals seeking apartments in this area. 3) At the last meeting, there was discussion of making North Silver Lake Drive a one-way street to reduce the impact of cut through traffic to existing neighborhoods. She submitted e-mail correspondence, for the record, from Lake County Public Works (LCPW). She summarized Lake County Public Works' position listed in the e-mail: They do not feel making Silver Lake Drive a one-way street is a good idea. If the request were made to them, further study would be required. The e-mail also stated the ITE Trip Generation Manual shows 795 trips per day will be generated by the proposed 120 apartments. 4) At the last hearing, several statements regarding annexation policies were made. Mr. Duncan stated he felt this annexation was not only logical, but the type of conditions for which the State Statutes were written. Ms. Murray said she could not disagree more. When the statutes are read in their entirety, the picture of this City as a circle or similar shaped entity is envisioned. Logical annexations are those that enlarge the basic shape. It is not logical to have an annexation that extends from the core shape like an octopus tentacle or spokes of a wheel. The octopus tentacle growth pattern is seen in Orlando, Groveland, and Leesburg, it is not desirable. It leads to duplication of services paid for by the public. Mayor Lovell then indicated the City was so aggressive in annexations in part to save itself from the County. She gave an overview of a recent case before Lake County - Case No. LPA01/9/6-2 Golden Fleece Groves. This case was a request to amend the future land use map to create a mixed-use office

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park near the turnpike and U.S. 27. The parcel was 285 acres and was slated for an office employment center including apartments. Twenty-five percent of the gross acreage, at a minimum, was to be untouched open space with the remainder subject to the standard County impervious surface ratio requirements. Approximately 71 acres will be residential for 142 units, with a density of two dwelling units per acre. This project is in the Leesburg utility district and Leesburg was notified of the hearings. She asked if this is the type of project from which the City needs protection. Recently, the City considered apartment proposals in the Newell Hill area and on South Street. Several other areas have been discussed in the real estate community. She said she recommended to Mr. Lowitz that she explore the site Regal Marine considered for boat manufacturing. None of these places were acceptable. Ms. Murray said the greater Silver Lake area has been listed in the comprehensive plan as a future planning area. The residents can only conclude that at some point in the future, the City will request to annex the residents. When that time comes, the residents will remember how the City viewed the neighborhood. Will the Commission view the Silver Lake area as a dumping ground for projects that were rejected within the exiting city limits or will it be as a partner in land planning? Silver Lake residents urge the Commission to vote no to the Arbors at Silver Lake.

Frank Kutch, Silver Lake area resident and real estate agent, said, for the record, he is not against growth and development. When he bought property in the Silver Lake area, the zoning was one house per acre. The density proposed is 13 units per acre making the area so intense there is not a natural transition. He said he heard Mr. Duncan expound on the benefits to the City, and asked what are the benefits to the residents of Silver Lake. He understands this development has been turned down in three different areas in the City. Now, the Commission wants to put it in an area outside the city. Mr. Kutch said if the Purdums will guarantee they will put a buffer that will last into perpetuity, then he would not be against the annexation and zoning.

Mayor Connelly asked if anyone is in favor of the annexation and asked for responses from persons favoring the annexation.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion.

Dr. Mary Anderson, resident of Silver Lake for 22 years, said we need to cluster, live more densely, preserve open spaces. There are a number of aspects of the apartments of which she is not opposed, but the thing that bothers her is the traffic on CR 44. It is already difficult to drive in the area and she is opposed to 800 more trips on CR 44 per day. She believes the apartments could be built where there is already infrastructure and more available transportation.

Dorothy Fillingham, Silver Lake resident, stated she is against this annexation and is concerned with recent annexations approved by the City. She expressed concern about the proposal to rezone this property from R-1 to High density. Residents in Silver Lake have already experienced higher road density because people use Silver Lake Drive as a shortcut to other areas and as a test track, which resulted in a portion of Silver Lake Drive being widened and sidewalks added. The streets are not built to handle the increased traffic. She added she does not want to see the City over extend itself.

Commissioner Lovell asked if anyone from the Silver Lake Association had talked to the car dealers about them using Silver Lake Drive as a testing street.

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Vera Martin, Silver Lake Association President, advised she was president about 10 years ago and wrote to the car dealers at that time. They did not receive a response in writing, but the traffic was reduced for a short time. The Silver Lake Association was founded in 1972 and represents over 600 private residents. Rezoning the area from Residential to High Density will only destroy a way of life with speeding traffic, vandalism, etc. Ms. Martin requested the Commission deal with the section adjacent to Silver Lake residents by zoning one unit per acre. Ms. Martin presented, for the record, fourteen letters from Silver Lake residents opposing the annexation of the Purdum property.

Dan Robuck, resident of Silver Lake area for approximately 50 years, said he likes the Purdums and favors property owner's rights as long as they do not infringe on other's rights. He said all apartments have a life cycle and gave an example of apartments in Tallahassee in 1967 where upscale people lived. Now, none of us would live in them. Blueberry Hill Apartments are not as good today as when they were built. Blueberry Hill is hidden, but these apartments will be seen from the lake. The realtors know this development would not be approved in the County. By annexing 9.9 acres, the State is not involved. He is now most concerned about the apartment complexes to be built in the future. If this complex is approved, how can you deny apartments on the next portion of the parcel? He said he asked the Purdums if they would deed restrict the rest of the property to one unit per acre and they said no. Going from one unit per acre to 13.3 per acre with no buffer is not the correct thing to do. Mr. Robuck said the Commission has turned down two locations for this development within the current City limits. He requested the Commission consider making the development one story buildings, all lights directed on site with shields, and most importantly no further encroachment beyond the 9.9 acres. He asked the Commission do what is right for everybody. If you believe it will not destroy the tranquility, vote for it. If you believe it will hurt the residents, then vote no.

Walter Hart, 1981 Silver Lake Drive, said he built his home in 2000. It was a large investment and he would not like to see his investment decrease because someone else increases their investment. He said the 120 new rentals will have a downward effect on existing rentals in the area. He owns the apartments on Silver Lake Drive, which have a 33% vacancy rate. The large apartments rent for \$700. He has a vested interest in keeping the apartments in good shape because he lives in the neighborhood. He also said he thinks the developer will have a hard time keeping the apartments rented.

Bruce Duncan said regarding the statements about absentee property owners, his clients will continue to have ownership of the complex just as they do with the other properties they develop. The Blueberry Hill analogy regarding crime is apple to oranges because they are two different types of complexes. Yes, this request complies with the comprehensive plan. Regarding the need for apartments, City staff presented a study of the needs for apartments in Leesburg. This is the second attempt for his client to locate in Leesburg not the third or fourth. The opposition does not want to be a part of the City. Mr. Duncan said his client, Jack Purdum, does want to be in the City. The roads in Silver Lake are public roads, not private roads and are paid for by everybody in the County. The developer does not anticipate having a side entrance onto Silver Lake Drive. For the record, Mr. Duncan presented the Crash Data Study 1999-2001. The CR 44/Silver Lake intersection shows 10 crashes over the three years.

Commissioner Knowles said Lake County is not a static area, but hopes the character of Lake County is maintained as much as possible. The Police reports show that only four apartments in Blueberry Hill account for the calls. He said he agrees with Dan Robuck on many of his comments. The property owners should realize in the future that apartment complexes will be

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even more difficult to pass through this Commission. They will have to come to some agreement or reduce the density on the remainder of the property. Several items discussed tonight should be brought up at the site plan review. In general, this appears to be a good project. He said he will talk to Mr. Kutch to let him know he will be against higher density on the remainder of the property. From a legislative point of view, there are some guarantees for Mr. Kutch.

Commissioner Perry said the issue is not this particular piece of property. The piece that directly abuts the R-1 zoning is the issue and is not being discussed tonight. That piece will have to come to a later Commission. He will definitely vote no for the change to that property, but will support this annexation.

Commissioner Lovell said he realizes there are concerns about the traffic and the property abutting the Silver Lake area, but is convinced this development will be an improvement in the area.

Mayor Connelly asked what does the Commission tell landowners when they come to us for annexation. Many people recognize the need for development, but do not want it in their area. Where do you draw the line? He said he is convinced the property owners in Silver Lake are not going to let these apartments deteriorate. The association will be involved in the review process.

The roll call vote was:

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|----------------------|-----|
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Commissioner Perry | Yea |
| Commissioner Puckett | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission adopted the ordinance.

Mayor Connelly declared a recess at 6:58 p.m. Mayor Connelly reconvened the meeting at 7:04 p.m.

ADOPTED ORDINANCE 03-02 AMENDING THE COMPREHENSIVE PLAN FOR APPROXIMATELY 9.99 ACRES, NORTH OF U.S. HWY 441 AND EAST OF BLUEBERRY HILL APARTMENTS IN SECTION 16-19-25 FROM COUNTY URBAN EXPANSION TO CITY RESIDENTIAL HIGH DENSITY (RH) (ROSEMARY PURDUM)

CC/FD Klinker read the ordinance by title only, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing 9.9 acres and generally located north of U.S. Highway 441, south of County Road 44 east of Blueberry Hill Apartments, and west of North Silver Lake Drive, lying in Section 16, Township 19 south, Range 25 East, Lake County, Florida, from County Urban Expansion to City RH (Residential high Density); and providing an effective date.

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Commissioner Knowles moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was:

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|----------------------|-----|
| Commissioner Puckett | Yea |
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Commissioner Perry | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED RESOLUTION 6706 AUTHORIZING EXECUTION OF AN ANNEXATION AGREEMENT WITH JACK AND ROSEMARY PURDUM REGARDING 9.9 ACRES IN SECTION 16-19-25

Commissioner Perry introduced the resolution to be read by title only. CC/FD Klinker read the resolution, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing execution of an annexation agreement between the City of Leesburg and Jack and Rosemary Purdum, as owners; and providing an effective date.

Commissioner Perry moved to adopt the resolution and Commissioner Puckett seconded the motion. The roll call vote was:

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|----------------------|-----|
| Commissioner Perry | Yea |
| Commissioner Puckett | Yea |
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Mayor Connelly | Yea |

Five yeas, no nays, the Commission adopted the resolution.

ADOPTED ORDINANCE 03-03 AMENDING SECTION 22-211 - WATER CONSERVATION SERVICE RATE

CC/FD Klinker read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, amending §22-211(a)(2) of the Code of Ordinances pertaining to water rates; establishing a new rate schedule for water; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was:

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|----------------------|-----|
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Commissioner Perry | Yea |
| Commissioner Puckett | Nay |
| Mayor Connelly | Yea |

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Four yeas, one nay, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-04 AMENDING SECTION 22-226 – DEFINITIONS OF SEWER RATES

CC/FD Klinker read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida amending §22-226 of the Code of Ordinances pertaining to definitions applicable to Wastewater (pollution abatement charge) rates; eliminating existing classes VI, VII, VIII, and IX; providing that restaurants operated in conjunction with hotels or motels must be metered separately; providing for payment of only the variable rate in classes I, II and III and the residential classification, where the fixed rate is paid by someone other than the user; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

| | |
|----------------------|-----|
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Commissioner Perry | Yea |
| Commissioner Puckett | Nay |
| Mayor Connelly | Yea |

Four yeas, one nay, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-05 AMENDING SECTION 22-324 TO ADOPT WATER SYSTEM CAPACITY IMPACT FEES

CC/FD Klinker read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, amending §22-324 of the Code of Ordinances pertaining to water system capacity impact fees; amending the amount of the capacity impact fees for each category of user; providing that there shall be no automatic increase of the fees established hereby under §22-327 of the Code until June 1, 2004; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

| | |
|----------------------|-----|
| Commissioner Puckett | Nay |
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Commissioner Perry | Yea |
| Mayor Connelly | Yea |

Four yeas, one nay, the Commission adopted the ordinance.

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ADOPTED ORDINANCE 03-06 AMENDING SECTION 22-325 TO ADOPT WASTEWATER SYSTEM CAPACITY IMPACT FEES

CC/FD Klinker read the ordinance by title only, as follows:

An ordinance of the City Commission of the City of Leesburg, Florida, amending §22-325 of the Code of Ordinances pertaining to wastewater capacity impact fees; providing for increase in the wastewater capacity impact fees; providing that there shall be no automatic increase of the fees established hereby under §22-327 of the Code until June 1, 2004; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Knowles moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was:

| | |
|----------------------|-----|
| Commissioner Perry | Yea |
| Commissioner Puckett | Nay |
| Commissioner Knowles | Yea |
| Commissioner Lovell | Yea |
| Mayor Connelly | Yea |

Four yeas, one nays, the Commission adopted the ordinance.

FIRST READING OF AN ORDINANCE AMENDING SECTION 22-227 – POLLUTION ABATEMENT CHARGE

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, amending §22-227 of the Code of Ordinances pertaining to pollution abatement charges; establishing a new rate schedule for pollution abatement charges; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

CM Stock advised the City has always had an “out-of-City” rate of 25% greater than the in-City rate. The ordinance, when presented at the last meeting for first reading, inadvertently left out that portion. This ordinance clearly states this process will be continued.

Commissioner Perry asked the logic of charging people out of the City the 25% higher rate for the utilities. CC/FD Klinker advised there is a statutory provision allowing the charge of up to 125% of the in-City rate without a cost of service study for residents outside the City. These residents are further from the City and the cost is greater to maintain the system. The City can charge “out-of-City” customers 50% more, if a cost of service study has been completed.

FIRST READING OF AN ORDINANCE ACCEPTING A UTILITY EASEMENT FROM EBK PROPERTIES, INC. FOR LAND IN SECTION 22-19-25 (U.S. HWY 441 – CHILI’S GRILL & BAR)

Commissioner Puckett introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

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An ordinance of the City of Leesburg, Florida, accepting a utility easement from EBK Properties, Inc., as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 22, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date.

Mayor Connelly stated some of the easements show a payment of \$10.00, \$1.00 and one shows a sum of \$800.00 and asked what criteria is used to determine the cost of the easement.

CA Morrison advised the easements that show \$1.00 or \$10.00 are statements of nominal consideration and are paper transactions. When you see a higher figure, the property owner has requested compensation. Staff evaluates the need for the easement and decides whether it is feasible to purchase the easement for the requested amount.

FIRST READING OF AN ORDINANCE ACCEPTING A UTILITY EASEMENT FROM ANNA M. WATSON, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DONALD L. SMITH FOR LAND IN SECTION 15-19-24 (ALONG THOMAS AVENUE)

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Anna M. Watson, as personal representative of the Estate of Donald L. Smith, deceased, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 15, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date.

FIRST READING OF ORDINANCE REZONING APPROXIMATELY 179.79 ACRES NORTH AND SOUTH OF U. S. HIGHWAY 441, EAST OF COLLEGE DRIVE AND WEST OF COUNTY ROAD 473 IN SECTIONS 22, 23, & 24-19-15 FROM C-1, C-2, CFD, CP, LM, R-1, R-6, AND RP TO C-3

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately 179.79 acres generally located north and south of U.S. Highway 441, east of College Drive, and west of County Road 473 (Haines Creek Road), lying in Sections 22, 23, and 24, Township 19 South, Range 25 East, Lake County, Florida, from C-1, C-2, CFD, CP, LM, R-1, R-6 and RP to C-3 (Commercial); and providing an effective date.

FIRST READING OF ORDINANCE REZONING APPROXIMATELY 98.97 ACRES NORTH AND SOUTH OF U.S. HIGHWAY 441, EAST OF COLLEGE DRIVE, AND WEST OF COUNTRY ROAD 473 IN SECTIONS 22, 23, 7 24-19-25 FROM RP & C-2 TO PUBLIC

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

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An ordinance of the City of Leesburg, Florida, rezoning approximately 98.97 acres generally located north and south of U.S. Highway 441, east of College Drive, and west of County Road 473 (Haines Creek Road), lying in Sections 22, 23, and 24, Township 19 South, Range 25 East, Lake County, Florida, from RP and C-2 to Public; and providing an effective date.

FIRST READING OF AN ORDINANCE VACATING A DRAINAGE EASEMENT FOR A PORTION OF LOT 14 OF LOVES POINT ESTATES OWNED BY RONALD G. AND BARBARA S. KINKEAD, NORTH OF PARK DRIVE AND EAST OF RIVIERA DRIVE

Commissioner Puckett advised he now owns the property and would like the verbiage in his name. CA Morrison the documents have been recorded in the Kinkead name and will have to remain as recorded.

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, vacating a drainage easement for a portion of Lot 14 of Loves Point Estates, as recorded in Plat Book 14, Page 38, Public Records of Lake County, Florida, owned by Ronald G. Kinkead and Barbara S. Kinkead, said property generally located north of Park Drive, and east of Riviera Drive; and providing for an effective date.

FIRST READING OF AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM RONALD G. & BARBARA S. KINKEAD AT 1010 RIVIERA DRIVE

Commissioner Lovell introduced the ordinance to be read by title only. CC/FD Klinker read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Ronald G Kinkead and Barbara S. Kinkead, as grantor, to the City of Leesburg, as grantee, pertaining to land located n Section 35, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date.

CITY ATTORNEY ITEMS: None

CITY CLERK/FINANCE DIRECTOR ITEMS: None

CITY MANAGER ITEMS:

A. Fire Department Reorganization Report

CM Stock presented in the agenda packet an informational report on the Fire Department reorganization and the opening of Station 3. He requested questions and there were none.

B. Set work session to discuss the relationship between the Commission and Finance Director.

CM Stock requested the Mayor poll Commissioners who wish to have workshop and the majority agreed to the workshop. The Commission scheduled the workshop for February 3, 2003, at 5:30 p.m.

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ROLL CALL:

Commissioner Lovell – None

Commissioner Perry – commended CM Stock for suggesting the workshop to discuss the relationship between the City Commission and the Finance Director. He said this issue has popped up several times over the last twenty-five years and he hopes the Commission can come to a consensus so it will never become an issue again.

Commissioner Puckett – None

Commissioner Knowles – The dredging at Venetian Gardens was completed and 150 bass boats showed up the next weekend. Great job.

Mayor Connelly – Introduced his Mother, and wife Dorothy. He advised the public hearing for the Historic Preservation ordinance originally planned to be held at this meeting will be held at the next meeting, January 27, 2003.

Commissioner Lovell moved to adjourn. Commissioner Knowles seconded the motion and it carried unanimously. The meeting adjourned at 7:23 p.m.

Mayor

ATTEST:

City Clerk

Betty M. Richardson

Recorder

MINUTES 030113